

SENATE BILL NO. 14

INTRODUCED BY A. BISHOP

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ROAD AND BRIDGE CONSTRUCTION AND MAINTENANCE ACTIVITIES PROVIDED FOR BY STATE AND LOCAL GOVERNMENTS ENSURE A SMOOTH ROAD SURFACE AND SMOOTH BRIDGE APPROACHES, FREE OF SIGNIFICANT SURFACE DEFECTS; AND AMENDING SECTIONS 7-14-2201, 7-14-2204, AND 60-2-201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-2201, MCA, is amended to read:

"7-14-2201. Maintenance and control of bridges. (1) Each board of county commissioners shall maintain all public bridges other than those maintained by the department of transportation.

(2) The board shall manage and control all bridges referred to in this part. ~~It~~ The board shall direct the method and time of making repairs, planking, replanking, paving, and repaving. The board shall provide for repair, paving, repaving, and maintenance of bridges in a manner that ensures the smooth and safe passage of a motor vehicle, free of significant dips, troughs, bumps, abrupt edges, or other major surface defects, over bridge approaches.

(3) (a) ~~Whenever any~~ When a bridge needs repair or becomes dangerous for the passage of vehicles or persons, the board, or the county surveyor if ~~he~~ the county surveyor is in charge, shall repair the bridge upon being notified ~~thereof~~ of the need for repair.

(b) ~~Nothing in this subsection shall~~ Subsection (3)(a) may not be construed as holding the board or any member responsible or liable for anything other than willful, intentional neglect or failure to act.

(4) In this part, "public bridges" means public bridges located in towns or cities and bridges located on county roads maintained by the county."

Section 2. Section 7-14-2204, MCA, is amended to read:

"7-14-2204. Construction and maintenance of bridges in municipalities. (1) Each board of county commissioners shall construct and maintain every bridge over a natural stream necessary to be constructed and maintained in any city or town.

(2) The city or town in which ~~any such a~~ bridge is ~~situated~~ located shall pay ~~the whole~~ all or such part, but not less than one-half, ~~to be as~~ determined by the board, of the cost of planking, replanking, paving, or repaving the bridge. The city or town shall construct and maintain in good repair the bridge approaches. The city or town shall provide for repair, paving, repaving, and maintenance of bridges in a manner that ensures the smooth and safe passage of a motor vehicle, free of significant dips, troughs, bumps, abrupt edges, or other major surface defects, over bridge approaches.

(3) ~~Such bridges~~ A bridge and all ~~persons~~ individuals on ~~them~~ it shall be ~~it~~ are subject to the reasonable police regulations of the city or town in which ~~any such~~ the bridge is ~~situated~~ located."

Section 3. Section 60-2-201, MCA, is amended to read:

"60-2-201. General powers of department. (1) The department may plan, lay out, alter, construct, reconstruct, improve, repair, and maintain highways on the federal-aid systems and state highways according to priorities established by and on projects selected and designated by the commission.

(2) The department may cooperate and contract with counties and municipalities to provide assistance in performing these functions on other highways and streets.

(3) The department may review and approve projects for the installation of public works on state highway rights-of-way and authorize a county or municipality to let contracts related to ~~such~~ those improvements.

(4) The department shall adopt necessary rules for the construction, repair, maintenance, and marking of state highways and bridges.

(5) The department shall provide for construction, repair, and maintenance of federal-aid highways, state highways, and bridges in a manner that ensures the smooth and safe passage of a motor vehicle, free of significant dips, troughs, bumps, abrupt edges, or other major surface defects, through a construction zone or work zone, as those terms are defined in 61-8-314, and over bridge approaches. Neither the department nor an entity contracting with the department for construction, repair, and maintenance may leave a construction zone or work zone before performing the required feathering of abrupt edges to mitigate severe surface defects."

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